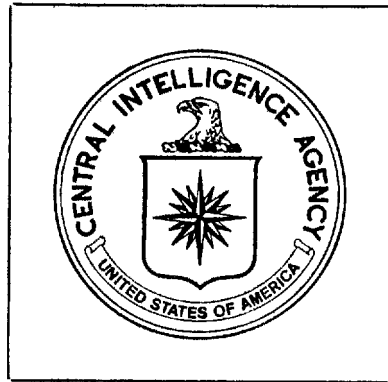


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Law of the Sea Country Study

Greece

Secret
BGI LOS 74-3
April 1974

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Automatically declassified on:
Date Impossible to Determine

FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Basic and Geographic Intelligence. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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ANNEX

Draft articles submitted by Greece to the Seabed Committee

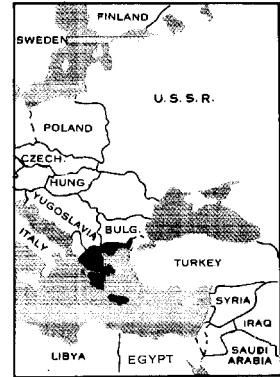
Maps: Regional map
Theoretical Division of the World Seabed

GREECE

Part I - Law of the Sea Analysis

A. SUMMARY

The Government of Greece regards the provisions of the Conventions of the 1958 Conference on the Law of the Sea and actions of such competent bodies as IMCO as established international law and opposes changing them. At the same time Greece recognizes the necessity for filling gaps in these existing laws but, where possible, it prefers that the LOS Conventions define general issues rather than details.



The Regime of Islands is the country's fundamental issue. Its sovereignty over islands adjacent to Turkey may be at stake. The Greek position on territorial seas of non-uniform width but not exceeding 12 n. m. is also closely tied to the 1958 definition of the Regime of Islands. Freedom of navigation is the second most important issue. Greece does not want interruptions that could impact on shipping, the country's most important contributor to current national income, and which is of fundamental significance for long-term national development.

The Greeks espoused the archipelago concept primarily as a tactical matter. They felt on stronger ground on the straits issue and considered their offer of bilateral arrangements as a suitable accommodation to the U.S. straits position. Greek resistance to U.S. proposals was based on distrust of Soviet activities while transiting the Aegean Sea and Turkish challenges to Greek sovereignty of Aegean islands, rather than lack of commitment to the United States. It is unclear what quid-pro-quo may be expected for accepting the U.S. straits position.

Greece favors international standards for prevention and control of vessel-source pollution.

The first commercial hydrocarbon discovery in the northern Aegean has been only recently reported. Greece has other prospective sites to be tested. As a developing country, Greece also anticipates sharing in the profits from exploitation of the deep seabed. Despite its importance in international shipping, Greece has not been important in distant water fisheries or scientific research. Athens considers technological achievements as properly belonging to all mankind, and has supported the joint consideration of scientific

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research and the transfer of technology. It may be seeking more benefits for the developing countries.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Greece lies adjacent to vital sea lanes in the eastern Mediterranean Sea, in the Ionian Sea, and in the Aegean Sea--the gateway to the Turkish straits (Dardanelles and Bosphorus) and the Black Sea. Gulfs and bays penetrate far inland, and very little of Greece is more than 50 miles from the sea.

The submarine topography of the Ionian Sea, west of Greece, is deeper and more regular than that of the Aegean Sea to the east. The 200-fathom curve lies within 6 n. m. of the entire length of the coast, and the depths in open water off the northern portion of the coast range from 400 to 700 fathoms increasing gradually to over 2,000 fathoms off the extreme southwest coast.

The Aegean Sea has an extremely irregular seabed, with a continental shelf (100 fathoms) ranging from a fraction of a mile to as much as 30 n. m. offshore. There are three important deep sea basins, the waters north of Crete, where there are depths of over 1,000 fathoms, and the areas between Thermaikos Kolpos and Saros Korfezi and between Tinos and Samos, where depths exceed 600 fathoms only in a few places.

Uses of the Sea

Mineral Resources -- Since 1968 more than a dozen companies and groups have been granted concessions covering much of the Aegean Sea. The discovery of a significant hydrocarbon strike offshore Thasos Island has been confirmed. Early estimates rate the potential at about 2.5 million tons of oil per year and gas reserves of about 50 million cubic feet, roughly 25 percent of Greece's hydrocarbon needs. Submarine oil seeps of possible interest also have been reported on Ayios Evstratios Island (south of Limnos Island) and other islands 1 1/4 to 1 1/2 miles east of Samothraki.

There is no onshore oil or gas production. Greek industrial energy requirements are now met largely by local supplies of lignite and by fuel oil from domestic refineries that utilize imported crude. Small quantities of petroleum products, mainly diesel and fuel oils, are also imported, largely from Italy, the USSR, and Egypt.

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Living Resources -- Fishing is not a major industry in Greece; about one-fourth of the demand is met by imports. It is important, however, in locations where alternative sources of employment and food are limited.

In the last decade the bulk of the fish catch has come from the Aegean and Ionian Seas and from inland and coastal waters. These stocks have been over-exploited; and, as production declines, distant-water fisheries of the Mediterranean and the Atlantic, mainly the central and south Atlantic off the African coast, are assuming greater importance. In 1972 Greece expressed an interest in becoming a member of the International Convention for the Northwest Atlantic Fisheries.

Deep Seabed Capabilities and Interests -- Greece is not known to possess any capability to exploit the deep seabed for minerals; but it does have a strong interest in seeing that archeological treasures from the seabed are protected.

Marine Transportation -- Merchant shipping is crucial to the growth of the economy of Greece. Greek-flag ships carry about 40 percent of the country's international trade and serve almost all its coastal islands. Most cargo ships operate worldwide in non-scheduled (tramp) service; those in scheduled service (lines) are employed primarily in Mediterranean and Greek coastal trade. Tanker tonnage is operated primarily under foreign charter arrangements.

As of February 1973 the Greek merchant fleet ranked fifth in deadweight tonnage and fourth in number of ships over 1,000 gross registered tons (g.r.t.) among the fleets of the world. Over 50% of the total Greek owned g.r.t. is registered under foreign flag. If combined with Greek-flag tonnage, the country's merchant fleet would constitute the third largest merchant fleet in the world after the US and UK.

Naval Considerations -- The Greek navy is the smallest of the NATO navies in the Mediterranean. It is oriented toward the defense of the mainland and the seas around Greece. The recent addition of several ex-U.S. World War II destroyers has given the Hellenic Navy a limited capability to perform the following missions: protect sea communications, defend coastal waters and essential bases, and provide logistic support including transport of troops between the mainland and the islands. Significant allied assistance would be needed for extended, simultaneous operations. The Hellenic Navy cooperates effectively with the Italian navy but there is little effective cooperation with the Turkish navy, which is still regarded as a potential enemy force.

The sovereignty of the Greek islands and straits in the Aegean is of central importance to the Soviet navy. Its Black Sea Fleet that

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provides the majority of the surface combatant and logistic ships to the Soviet Mediterranean Squadron operates through these waters.

Other Uses of the Sea -- Tourism is one of the most dynamic sectors of the Greek economy. The United States, United Kingdom, West Germany, France, and Italy together account for more than half the tourists in Greece. Revenue from the industry has been an important element in the Greek balance of payments.

Political and Other Factors

A desire for a more independent Greek foreign policy has led to the reappraisal of overall NATO-Greece relationships and the bilateral accord on homeport facilities for a Sixth Fleet carrier. Similar influence probably will come to bear on LOS policy deliberations and the Greeks will probably view the LOS issues as a NATO ally that has special problems. It is concerned by Soviet ships and planes that utilize Greek territorial waters and air space, by what it considers a serious threat at the disestablishment of the Greece-Turkey border through the Aegean Sea, and by how the various claims would affect the national territory and treasury.

Economically Greece is a developing country. As such, it will expect to share the benefits from international exploitation of the ocean floor. These expectations will differ for the international seabed from those for the seabed surrounding the mainland and islands, where rights are viewed as exclusively Greek.

Tourism and shipping have been selected for short term expansion as the major contributors to national income and the balance of payments in the current fifteen year development plan. In the longer term, the need is recognized for the development of a modern, export-oriented manufacturing sector based on local mineral and agricultural raw materials. To insure the success of its long term development program, Greece must be satisfied that the LOS policies will provide the utmost protection against the pollution of its beaches and any capricious interference with its freedom of trade at sea.

C. LAW OF THE SEA POLICY

Breadth of the Territorial Sea

Despite reports of Greek intent to extend their territorial sea from the 6 n. m. limit to 12 n. m. there has been no official action to indicate such a move. Greece has often expressed preference for retaining the status quo, not wishing to encourage any change which could lead to renegotiation of related issues.

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These issues deal with the sovereignty of the islands near the coast of Turkey, the adjoining territorial waters, and the extent of the continental shelf in these areas.

The Government of Greece is particularly concerned with recent developments on the Greece-Turkey border. The boundary was delimited by the Treaty of Lausanne in 1923 and was undisputed until the area's potential for oil was recognized. The possibility of a Greek extension of the territorial sea developed as a reaction to Turkey's recent granting of oil exploration and drilling rights in the eastern Aegean including areas adjacent to the Greek islands of Lesbos, Khios, Limnos, Samothrace, Psaras, Andipsaras, and Ayios Evstratios. Greece has also granted concessions in its waters surrounding Limnos. Officials of the Greek Ministry of Foreign Affairs believe that Turkey accepts the concept of territorial water surrounding all Greek islands but rejects the concept of the extension of individual continental shelves to islands. (Turkey has not acceded to the Convention on the Continental Shelf.) The parties have agreed that the differences should be resolved by discussion. Should the case be brought to the International Court of Justice and should the same principles applied in the dispute between Germany and its neighbors be applied, there is the possibility of Turkish gains at Greek expense. Turkey has been actively seeking to have these principles asserted.

Mr. Georgios Zotiadis, Legal Counsel to the Ministry of Foreign Affairs, expressed the view in April 1973 that there should be no attempt to establish a uniform breadth of the territorial sea; instead, agreement should be reached on a maximum limit of the territorial sea which would permit a coastal state to fix its territorial sea limit at any distance up to 12 n. m. Extension beyond 12 miles would severely disrupt navigation by lengthening many sea routes.

Greece's position on the breadth of the territorial sea of enclosed and semi-enclosed seas is that it should be determined by agreement between bordering states, with due respect for customary and conventional international law. The median line principle should be applied in the event of failure to reach agreement. For purposes of emphasizing seabed jurisdiction, Greece's accession to the convention on the Continental Shelf included the reservation that in the absence of international agreement Greece will apply "the normal baseline system for the purpose of measuring the breadth of the territorial sea."

Greece also takes the position presented in Article 10 of the Convention on the Territorial Sea and the Contiguous Zone that each island has its own territorial sea; it adds, however, that

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sovereignty is exercised by the State of which the island is a part. Greece has objected strongly to Turkey's attempts to modify the Convention by introducing proposals that substitute subjective terms for precise terms, as in the April 1973 Turkish draft on delimitation of the territorial sea, or subjugate precise terms to ambiguity.

Greece has maintained the position that the right of innocent passage in the territorial sea of a coastal state is a limited right in contrast to the absolute and unqualified right of navigation on the high seas. This position was based on concerns of the Greek military with possible Soviet submerged transits and overflights, deviation from the traditional channels, clandestine activities and movement of contraband, as well as with problems arising from Turkish associations with Cyprus. Greece has co-sponsored draft articles on navigation through the territorial sea including straits used for international navigation. The articles define innocent passage, establish the bases for regulating passage, and promulgate regulations which vary with the type of ship. Foreign Minister Spyridon Tetenes has recently confirmed that Greece will now support the U.S. position on free, as contrasted with innocent, passage in straits. This change probably reflects Greece's confidence that any new straits regime would not alter the existing innocent passage regime in its straits that are less than 6 miles wide.

Regime of Islands

Determination of the sea jurisdiction for islands is of paramount interest to Greece. Changes in the definition of procedures for determining maritime boundaries or of the rights of insular parts of states to the surrounding territorial sea and continental shelf could have significant impact on territorial claims.

Islets and shoals in the Aegean Sea border the shores of many islands and are scattered throughout the deep and generally navigable channels separating the islands. These islands and islets are of the same geological structure and configuration as the adjacent mainlands. They are former mountain tops which now project above the sea while the submerged lowlands constitute the seabed. According to Greece's draft on the Regime of Islands, an island forms an integral part of the territory of a state and has rights equal to those of any other part of the state to which it belongs; the sovereignty exercised over territory, whether continental or insular, extends to the air space over the territory, the territorial sea, the bed and subsoil of the territorial sea and, for the purpose of exploring and exploiting, its natural resources to the continental shelf. Opening the question of how sovereignty is determined for an island could endanger the political status of

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numerous islands, the sovereignty of which Greece feels has long been established.

Greece regards the 1958 Convention on the Territorial Seas and Contiguous Zone as fully safeguarding the sea claims around their many islands, and view with alarm Turkish proposals for determining territorial sovereign rights of islands based on criteria such as size, population, geographical situation, and geological configuration. Greece's actions appear to be planned so as to circumvent Turkey's position should the case be taken to the International Court of Justice for adjudication. They continually reiterate that the Turkish proposals would undermine the very basis of international order by denying the principles of the equality of states, the equality of the rights of citizens of insular parts of states, and would discriminate against states whose territory consists wholly or partly of islands.

Greece has not stated its position on artificial islands or offshore installations.

Archipelagos

Greece subscribes to the archipelagic principles drafted by Fiji and other states as they incorporate two principles Greece would like to see applied in its own territorial sea: 1) the waters within the baselines and their seabed, subsoil, and airspace are included under the sovereignty of the archipelagic state, and 2) although innocent passage would be permitted through the territorial sea, it would be restricted to designated sealanes and limited by existing international law -- submarines would travel on the surface. Greece's co-sponsorship of the archipelagic concept was partly a counter to Turkey's advocacy of a "special circumstances" rule, that would have potential impact on a number of Greek islands near the Turkish coast. Although Greece regarded the archipelagic concept as an ideal solution to its problem in July 1973, they expressed doubt that it would be accepted by the Conference.

Continental Shelf

Greece acceded to the Convention on the Continental Shelf on 6 November 1972 with a reservation on delimiting boundaries of states whose coasts are adjacent or opposite each other.

Greece has an extensive shelf within the 200 meter isobath as well as large areas between 200 and 2,500 meters. Claim to sovereignty over the continental shelf in the Aegean rests on the adjacency and exploitability principles of the Convention on the Continental Shelf. Sovereignty is limited in the direction of

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Turkey by the median lines upon which the boundary was established in 1923. The Turkish grant of oil concessions in the Aegean Sea in November 1973 rejects the extension of individual continental shelves to individual islands. The concession areas recognize a 12-mile territorial sea around the Greek islands (although Greece claims only 6 n. m.) but divide the shelf of the Aegean between Greece and Turkey, apparently on the basis of a median line from basepoints on the mainlands. Turkey contends that giving the same value to the basepoints on Greek islands that are in close proximity to the Turkish mainland as to the basepoints on the mainland constitutes an inequity. A Greek extension of the territorial sea claim to 12 miles would have little effect on the Turkish continental shelf claim and would not be an effective way to avoid negotiating a shelf boundary agreement. The Foreign Minister of Greece has indicated the possibility that through bilateral negotiations joint exploration of the area beyond the 12-mile territorial sea might be worked out.

In the Ionian Sea and Mediterranean Sea Greece will probably base its shelf claims on the exploitability principle and a median line with Italy, Libya, Egypt, Cyprus, and Turkey. Greece and its Mediterranean neighbors have not in the past sought to settle the seabed jurisdictional problems of the deeper parts of the Mediterranean Sea. Greece, however, considers as unacceptable the Libyan claim that the Gulf of Sirte is internal waters. Such a claim would change the baseline for the Libyan territorial sea and continental shelf and move the median line closer to Italy and Greece. The Libyan claim could encourage littoral states to develop positions on median lines in the Mediterranean before the Conference in Caracas.

Coastal State Jurisdiction Beyond the Territorial Sea

The issue of a broad coastal state resource zone has potential for serious impact on Greece because of its large shipping industry. Its distant-water fishery fleet has also experienced seizures for alleged violations of territorial waters, such as those of Uruguay and Guinea. Nevertheless, the issue has not played a major role in the Greek LOS position.

Greece has not addressed the coastal economic resource zone issue, either specifically as it applies to it or generally as it applies to other areas. Although a wide coastal state resource zone would appear favorable to the country, Greece has commented favorably only on a wide international zone. Greece has in the past kept such issues fuzzy to avoid raising boundary issues with Turkey. Greece feels that economic interests could be accommodated within the framework of a preferential and non-exclusive zone; while at the same time, Greece acknowledges that a recognized contiguous zone is important to safeguard coastal state interests, such as customs, public health regulations, conservation of living resources.

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Greece has not extended its claim for fishing rights to 12 miles. Turkey did so in 1964 and thus posed many unresolved problems. Turkey, however, is not yet enforcing its claim to a 12-mile exclusive fishing limit. In May 1972, Mr. Evangelos Frangoulis, First Secretary of Embassy, reported that the Government of Greece generally supported the U.S. fisheries proposal.

Deep Seabed

Greece has not expressed itself on the extent of the area subject to international jurisdiction but regards the "common heritage" principle as a unique and desirable feature of international law, although not binding on non-parties to the treaty. It indicates that the application of the concept should embrace authority over exploration and exploitation of seabed resources but not broad enough to permit interference with freedom of navigation.

Greece, a potential beneficiary of the International Regime, believes the Authority should be an independent, self-supporting organization composed of an Assembly, a Council, and a Tribunal. The Council, the executive body, would execute decisions of the Assembly. The members of the Council should be elected by the Assembly. Greece believes that substantive decisions should be made by a two-thirds majority vote of the council. The possibility of a veto in the Council would hamper its work; therefore, no privileged position should be encouraged either in the form of a veto system or in a weighted vote.

The following are other Greek views on the Authority: A precise definition of the scope and powers of the Authority is required to avoid duplication of work or overlapping jurisdictions with existing international institutions and to ensure equitable sharing of the benefits. The Authority should confine its activities to those prescribed in the relevant General Assembly resolution and should not become involved in economic matters conducted in superjacent waters. The functions of the Authority should include the maintenance of peace and order, the issuance of licenses and concessions, the collection of royalties and taxes, provision for revenue sharing, protection from unfair competition of the mineral industries and exports of developing countries, the enforcement of safety and anti-pollution regulations, the conduct of scientific research and the protection of archeological and historical discoveries.

An indication of Greece's attitude toward discretionary powers of an International Seabed Resource Authority was contained in these remarks made by Mr. Zotiadis in March 1972, "In so far as the status, scope, functions, and powers of the international machinery were concerned, the Declaration could not be implemented unless precise legal rules were established on the basis of principles contained in it."

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The government has not expressed its view in detail on how the "common heritage" and other LOS principles apply to land-locked, shelf-locked, broad-shelf, or geographically disadvantaged states. However, an indication of the general Greek attitude is evidenced by Mr. Zotiadis' comment on the Japanese proposals on the seabed regime and machinery, that in the exploitation of the seabed "due regard shall be paid to the need to protect the interests of land-locked and shelf-locked countries."

Transfer of Technology

Lt. Cmdr. Triantafyllas Papageorgiou of the Ministry of Merchant Marine has noted that without the transfer of technology including inventions, the supply of materials, and the systematic training of personnel of the developing countries, the concept -- that the sea beyond the limits of national jurisdiction belonged to the world community -- would have no meaning. The technological achievements themselves should be considered as belonging to mankind as a whole. He supported the idea that scientific research and the transfer of technology should be considered together.

Marine Pollution

Greece wanted Subcommittee III of the UN Seabed Committee preparatory sessions to consider pollution on the high seas and in areas under national jurisdiction because marine pollution is not restricted to a particular area. Greece has spoken only in generalities about pollution, mostly about vessel-source pollution. In order to prevent and control pollution, Greece considers it essential to develop international standards and measures and a management system administered on a worldwide scale. It encourages support of this management system by a majority or all participants to preclude arbitrary unilateral national action and abuse possibly resulting in chaotic situations and disorder.

Greece would like to see any convention dealing with marine pollution confined to general issues rather than details, it should neither ignore nor conflict with accepted principles of international law or actions of competent bodies such as IMCO, FAO, or UNESCO. Not all aspects of marine pollution have been dealt with by these organizations, however, Greece considers the Subcommittee the body best suited to fill in the gaps and coordinate the activities so as to avoid overlap and provide useful guidelines for national legislation. It hopes that efforts to save the environment will not be so stringent as to discourage economic activity.

The Greek representatives have supported U.S. positions in the Marine Pollution Working Group.

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Scientific Research

Greece has very limited capability for scientific research. The Greek Institute for Oceanographic and Fishing Research currently limits its activities to measurements of water pollution and meteorological conditions in the Athens area. The country has been hospitable toward foreign scientific research in Greek waters including Soviet oceanographic activity.

Little is known about the specifics of the country's position on scientific research on the high seas. There is indication, however, that it views one of the functions of the International Regime to be the conduct of scientific research. It further believes that it is not possible to distinguish between scientific research on the seabed and scientific research in the superjacent waters; therefore, scientific research on the high seas should not be further defined.

Peaceful Uses of the Seas

Greece abstained on the UN Resolution on the Indian Ocean as a Zone of Peace, but expressed concern with a possible Libyan proposal for demilitarization of the Mediterranean. Greek representatives stated that to a considerable extent their security depended upon the continued presence of the Sixth Fleet in the Mediterranean. Recent indications of difficulties concerning port facilities for this fleet may represent a change in attitude.

During the discussion on General Assembly Resolution 2749 (XXV) Mr. Zotiades stated that the seabed should be used exclusively for peaceful purposes and that this should be incorporated in the treaty.

Archeological and Historical Treasures

Greece sponsored measures for the protection of archeological and historical treasures that might be found in the area beyond national jurisdiction.

D. KEY POLICY MAKERS AND LOS EXPERTS

The military government of Greece is relatively new. Spyridon Tetenes, the new Foreign Minister, participated in the Seabed Committee sessions during the summer 1973. It is not clear whether the change in government will affect the status of Greek LOS representatives. Prof. Georgios Zotiadis, Legal Counselor to Ministry of Foreign Affairs, has the longest continuous experience in LOS of all the Greek representatives. He is an able spokesman

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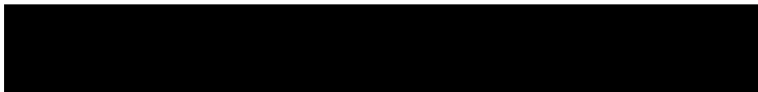
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and, according to Ambassador Alcibiadis Papadopoulos, a former Director of International Organization Affairs, MFA, has had authority to make adjustments in Greece's position on matters as central as the straits issue.

Other Greek leaders who attended one or more of the preparatory sessions for the Third UN Conference on LOS or the organizational session of the Conference are as follows:

Name and Position (as they appear in the latest UN listing)	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
Mr. Dimitri S. BITSIOS Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN			X				
Mr. Alcibiades CAROKIS Second Secretary of Embassy Permanent Mission to the UN			X		X		
*Prof. Elias CRISPIS Legal Adviser of the Delegation							X
*Col. Nicholas DONTAS Judicial Affairs of the Hellenic Navy Command				X	X	X	X
M. Constantin ECONOMIDIS Directeur de premiere classe aupres du Service Juridique Special du Ministere Royal des Affaires Etrangeres	X						
Mr. Evangelos FRANGOULIS First Secretary of Embassy		X	X			X	
Mr. A. HADJIKAKIDES Director General Institute of Oceanography					X		
M. G. HELMIS Secetaire d'Ambassade Mission permanente aupres de l'Office des Nations Unies				X			

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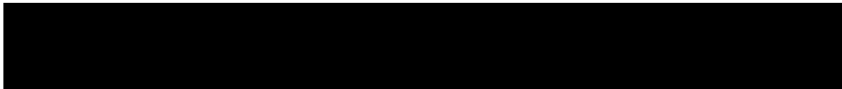


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Name and Position	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
M. Emmanuël KALPADAKIS Premier Secrétaire d'Ambassade				X			
Rear Admiral Heracles KOLOKYTHAS Director of the Hydrographic Section of the Hellenic Navy Command						X	
M. G. KOLYMVAS Chambre Maritime Grece						X	
H.E. Mr. Constantine P. PANAYOTACOS Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN					X		
*Lt. Comdr. Triantafyllos PAPAGEORGIOU Hellenic Coast Guard					X	X	X
M. J. PERAKIS Chambre Maritime de Grece				X			
Mr. Athanasios PETROPOULOS Director of International Organization and Conferences							X
M. Georges PILAVACHI Legal Counsel to the Ministry of Foreign Affairs		X					
Mr. H. SARAFIS Director of Fisheries						X	
S.E. M. Alexis STEPHANOU Ministre Plenipotentiaire Representant permanent ad interim aupres de l'Office des Nations Unies	X						

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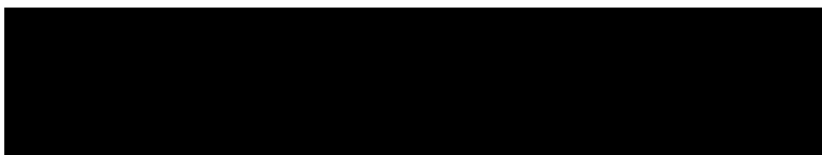


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Name and Position	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
M. E. STRATIGIS Chambre Maritime de Grece				X			
H.E. Mr. Sp. TETENES Ambassador-at-large (now Foreign Minister)						X	
S.E. M. Constantin TRANOS Ambassadeur Representant permanent aupres des Nations Unies		X					
Commander Basil TZAVARAS			X				
M. Diamandis VACALOPOULOS Premier Secretaire d'Ambassade aupres de la Mission permanente	X						
Lt. Comdr. J. ZAFEIROPOULOS Navy Staff				X	X		
*Prof. George ZOTIADES Legal Counsel to the Ministry of Foreign Affairs		X	X	X	X	X	X

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Part II - Background Information

GEOGRAPHY:

World region: Western Europe and Canada
Category: coastal
Bordering states: Albania, Yugoslavia, Bulgaria, Turkey
Bordering bodies of water: Mediterranean Sea, Aegean Sea, Sea of Crete, Ionian Sea
Bordering semi-enclosed sea: Mediterranean Sea, Aegean Sea, Sea of Crete, Ionian Sea
Bordering straits: Kithira Strait (10.7 n. m.), Karpathos Strait (23 n. m.), Strait of Otranto (39.3 n. m.)
Area of continental shelf: 7,200 sq. n. m.
Area to 200 n. m. limit: 147,300 sq. n. m.
Area to edge of continental margin: 82,100 sq. n. m.
Coastline: 8,500 m.
Land: 51,200 sq. m.
Population: 8,969,000

INDUSTRY AND TRADE:

GNP: \$12.6 billion, \$1,425 per capita (1972)
Major industries: food processing, tobacco, chemicals, textiles, refining of imported petroleum, aluminum processing
Exports: \$870 million (f.o.b., 1972); tobacco, cotton, fruits, metals
Imports: \$2,345 million (c.i.f., 1972); machinery and automotive equipment, manufactured consumer goods, petroleum and petroleum products, chemicals
Major trade partners: 50% EC, 13% sterling area, 14% U.S., 9% CEMA (1972)
Merchant marine: 1,764 ships (1,000 GRT or over) totaling 19,818,200 GRT; 69 passenger, 954 cargo, 306 tanker, 391 bulk, 44 specialized carrier; ethnic Greeks also own an estimated 20,255,800 GRT under flags of Liberia, Panama, Cyprus, Lebanon, Somalia

MARINE FISHERIES:

Catch: 122,000 metric tons valued at \$79 million (1970)
Economic importance: national importance as a source of food (63 1/2% of fish consumed in 1970 caught by Greek fishermen); local importance as a means of employment and primary source of food on the numerous remote islands
Other fishing areas: 25% of Greek catch in 1970 mainly from central and south Atlantic off African coast
Species: mainly sea bream from both Mediterranean Sea and central Atlantic

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MARINE FISHERIES (cont'd):

Marine fisheries techniques: coastal - only about half of the fleet of 15,000 boats motorized; long lines, beach seines, and trammel nets used; trips last under 3 days. mid-water - employ trawlers, purse seines, and a number of multipurpose vessels; trips last 3-4 days. distant-water - catch transshipped to Greece on other vessels

PETROLEUM RESOURCES:

Petroleum and natural gas recently discovered in northern Aegean Sea; potential resources estimated at 2.5 million tons of oil per year and gas reserves of about 50 million cubic feet

NAVY:

Ships: 9 destroyers, 7 submarines, 4 destroyer escorts, 19 patrol, 22 mine warfare, 12 amphibious; 55 amphibious warfare craft; 17 auxiliaries; 35 service craft

GOVERNMENT LEADERS:

President Faidon Gizikis; Prime Minister Adamandios Androutsopoulos; Military Police Chief Brig. General Dimitrios Ioannidis is strong man of the regime; Minister of Foreign Affairs Spyridon Tetenes

PRESENT OCEAN CLAIMS:

Type	Date	Terms	Source, Notes
Territorial Sea	1936	6 n. m.	Emergency Law No. 230 of 1936, Sept. 17, 1936 <i>Greek Official Gazette</i> Vol. 1, No. 450, Oct. 13, 1936
Continental Shelf	1959	Adopted shelf concept in general proclamation but no precise definition	Petroleum Law (Law 3948) of Apr. 10, 1959 <i>Party to Convention on Continental Shelf (Nov. 6, 1972)*</i>
Exclusive Fishing		6 n. m.	
Customs	1918	3 km.	Art. 85 of Cod Law 1165, 1918

*Reservation: Art. 12; Greece, in the absence of international agreement, will apply the normal baseline for measurement of territorial sea to delimit shelf boundaries.

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PRESENT OCEAN CLAIMS (cont'd):

Type	Date	Terms	Source, Notes
Neutrality	1914	6 n. m.	
Security Zone	1913	10 n. m.	

MULTILATERAL CONVENTIONS:

International Convention for the Prevention of Pollution of the Sea by Oil	28.3.1967
International Convention for the Safety of Life at Sea	13.2.1963
1966 Amendment	31.7.1968
Regulations	16.4.1963
Loadlines Convention	12.6.1968
Agreement for the Establishment of a General Fisheries Council for the Mediterranean	7.4.1952
Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water	18.12.1963
Convention on the Inter-Governmental Maritime Consultative Organization	31.12.1958
Convention on the International Hydrographic Organization	15.2.1971

BILATERAL CONVENTIONS:

Pollution from Nuclear Waste:

USA-Greece. Exchange of Notes (with annex) Constituting an Agreement Relating to the Use of Greek Ports and Territorial Waters by the N.S. Savannah. Signed at Athens, April 23 and 24, 1962. In force, April 24, 1962.

USA-Greece. Agreement Relating to the United States Liability During Operations of the N.S. Savannah by a Private Company. Signed at Athens, November 22, 1966 and January 12, 1967. In force, January 12, 1967.

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ACTION ON SIGNIFICANT UN RESOLUTIONS:

- Moratorium Resolution Abstain
 (A/RES/2574 D, XXIV, 12/15/69)
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference In favor
 (A/RES/2750 C, XXV, 12/17/70)
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site Adopted w/o vote
 (A/RES/3029 A, XXVII, 12/18/72)
- Indian Ocean as a Zone of Peace Abstain
 (A/RES/2992, XXVII, 12/15/72)
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution Abstain
 (A/RES/3029 B, XXVII, 12/18/72)
Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution Abstain
 (A/RES/3029 C, XXVII, 12/18/72)
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources In favor
 (A/RES/3016 XXVII, 12/18/72)
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

SECRET

MEMBERSHIP IN ORGANIZATIONS RELATED TO LOS INTERESTS:

EEC (associate member) European Economic Community
FAO Food and Agriculture Organization
IAEA International Atomic Energy Agency
IBRD International Bank for Reconstruction
and Development (World Bank)
ICAO International Civil Aviation
Organization
IDA International Development Association
(IBRD affiliate)
IFC International Finance Corporation
(IBRD affiliate)
IHB International Hydrographic Bureau
IMCO Inter-Governmental Maritime Consultative
Organization
IMF International Monetary Fund (FUND)
ITU International Telecommunication Union
NATO North Atlantic Treaty Organization
OECD Organization for Economic Cooperation
and Development
UN United Nations
UNESCO United Nations Educational, Scientific,
and Cultural Organization
WHO World Health Organization
WMO World Meteorological Organization
Seabed Committee United Nations Committee on the
Peaceful Uses of the Seabed and
Ocean Floor Beyond the Limits of
National Jurisdiction

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ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE I

DRAFT ARTICLE ON ITEM 23 OF THE LIST OF SUBJECTS AND ISSUES,
PROTECTION OF ARCHAEOLOGICAL AND HISTORICAL TREASURES,
PRESENTED BY THE DELEGATION OF GREECE

1. The State Parties to this Convention recognize that all objects of archeological or historical value in the area beyond the limits of national jurisdiction are part of the common heritage of mankind.
2. The Authority shall, in co-operation with the appropriate Specialized Agencies of the United Nations, take measures for the identification, protection and conservation of the objects of archeological or historical value found in the area.
3. The State of cultural origin of such objects shall have the preferential right to undertake the salvaging of such objects and to acquire any such object under procedures to be established by the Assembly, including compensation of the Authority.
4. If the State of cultural origin does not avail itself of its preferential right under paragraph 3 above the Authority will see to it that such object is disposed of in accordance with the principle in paragraph 1 above.

*/ This document supersedes document A/AC.138/SC.I/L.25 dated 2 August and Corr.1 dated 6 August 1973.



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27 March 1973

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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Greece: amendment to the draft article contained in
document A/AC.138/SC.II/L.16

The following new paragraph should be added after paragraph 2:

3. Failing such agreement, no State is entitled to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines, continental or insular, from which the breadth of the territorial seas of each of the two States is measured.

73-05828



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27 March 1973

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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Cyprus, Greece, Indonesia, Malaysia, Morocco, Philippines, Spain and
Yemen: draft articles on navigation through the territorial sea
including straits used for international navigation

The question of navigation through the territorial sea including straits used for international navigation is one of the problems facing the Committee in its task to comply with the terms of General Assembly resolutions 2750 C (XXV) and 3029 A (XXVII).

The delegations co-sponsoring the present document wish to contribute to the progress of the Committee's work at this new and important stage of its proceedings and they consider that an appropriate means to achieve this aim is to submit draft articles on items 2.4 and 4.1 of the list of subjects and issues concerning navigation through the territorial sea and through straits used for international navigation, independently of the solutions that item 2.5 may receive in due course.

Although presented as separate articles, this draft is not intended to prejudge its eventual location within the convention or conventions which may be adopted by the future conference.

In drafting this document the following basic considerations have been taken into account:

(1) Navigation through the territorial sea and through straits used for international navigation should be dealt with as an entity since the straits in question are or form part of territorial seas.

(2) Regulation of navigation should establish a satisfactory balance between the particular interests of coastal States and the general interests of international maritime navigation. This is best achieved through the principle of innocent passage which is the basis of the traditional régime for navigation through the territorial sea.

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English

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(3) The regulation should contribute both to the security of coastal States and to the safety of international maritime navigation. This can be achieved by the reasonable and adequate exercise by the coastal State of its right to regulate navigation through its territorial sea. Since the purpose of the regulation is not to prevent or hamper passage but to facilitate it without causing any adverse effects to the coastal State.

(4) The regulation should take due account of the economic realities and scientific and technological developments which have occurred in recent years; this requires the adoption of appropriate rules to regulate navigation of certain ships with "special characteristics".

(5) The regulation should, finally, meet the deficiencies of the 1958 Geneva Convention, especially those concerning the passage of warships through the territorial sea, including straits.

Section I. Rules applicable to all ships

Subsection A. Right of innocent passage

Article 1

Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Article 2

1. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by "force majeure" or by distress.

Article 3

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

2. Passage shall be continuous and expeditious. Passing ships shall refrain from manoeuvring unnecessarily; hovering, or engaging in any activity other than mere passage.

3. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

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4. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

5. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 4

The coastal State must not hamper innocent passage through the territorial sea. In particular, it shall not impede the innocent passage of a foreign ship flying the flag of a particular State or carrying goods owned by a particular State, proceeding from the territory of or consigned to such a State.

Article 5

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily and in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. Subject to the provisions of articles 8, 22, paragraph 3 and 23, there shall be no suspension of the innocent passage of foreign ships through straits used for international navigation which form part of the territorial sea.

Subsection B. Regulation of passage

Article 6

The coastal State may enact regulations relating to navigation in its territorial sea. Such regulations may relate, inter alia, to the following:

(a) Maritime safety and traffic and, in particular, the establishment of sea lanes and traffic separation schemes;

(b) Installation and utilization of facilities and systems of aids to navigation and the protection thereof;

(c) Installation and utilization of facilities to explore and exploit marine resources and the protection thereof;

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- (d) Maritime transport;
- (e) Passage of ships with special characteristics;
- (f) Preservation of marine and coastal environment and prevention of all forms of pollution;
- (g) Research of the marine environment.

Article 7

In exercising the right of innocent passage through the territorial sea, foreign ships will not be allowed to perform activities such as

- (a) Engaging in any act of espionage or collecting of information affecting the security of the coastal State;
- (b) Engaging in any act of propaganda against the coastal State or of interference with its systems of communications;
- (c) Embarking or disembarking troops, crew members, frogmen or any other person or device without the authorization of the coastal State;
- (d) Engaging in illicit trade;
- (e) Destroying or damaging submarine or aerial cables, tubes, pipe-lines or all forms of installations and constructions;
- (f) Exploring or exploiting marine and subsoil resources without the authorization of the coastal State.

Article 8

The coastal State may designate in its territorial sea sea lanes and traffic separation schemes, taking into account those recommended by competent international organizations, and prescribe the use of such sea lanes and traffic separation schemes as compulsory for passing ships.

Article 9

1. The coastal State is required to give appropriate publicity to any dangers of navigation, of which it has knowledge, within its territorial sea.
2. The coastal State is required to give appropriate publicity to the existence in its territorial sea of any facilities or systems of aid to navigation and of any facilities to explore and exploit marine resources which could be an obstacle to navigation, and to install in a permanent way the necessary marks to warn navigation of the existence of such facilities and systems.

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Article 10

The coastal State may require any foreign ship that does not comply with the provisions concerning regulation of passage to leave its territorial sea.

Section II. Rules applicable to certain types of ships

Subsection A. Merchant ships

Article 11

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services. These charges shall be levied without discrimination.
3. The coastal State shall have the right to be compensated for works undertaken to facilitate passage.

Article 12

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:
 - (a) If the consequences of the crime extend to the coastal State; or
 - (b) If the crime is of a kind to disturb the peace of the country of the good order of the territorial sea; or
 - (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
 - (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.
2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the country whose flag the ship flies, before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

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4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 13

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceeding, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Subsection B. Ships with special characteristics

Article 14

The coastal State may regulate the passage through its territorial sea of the following:

- (a) Nuclear-powered ships or ships carrying nuclear weapons;
- (b) Ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment;
- (c) Ships engaged in research of the marine environment.

Article 15

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign nuclear-powered ships or ships carrying nuclear weapons, in conformity with regulations in force in such a State.

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2. The provisions of paragraph 1 shall not prejudice any agreement to which the coastal State may be a party.

Article 16

The coastal State may require that the passage through its territorial sea of foreign ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment be conditional upon any or all of the following:

- (a) Prior notification to its competent authorities;
- (b) Coverage by an international insurance or guarantee certificate for damages that might be caused by such carriage;
- (c) Use of designated sea lanes.

Article 17

1. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea of foreign ships engaged in research of the marine environment, in conformity with regulations in force in such a State.

2. During their passage through the territorial sea, foreign ships engaged in research of the marine environment will not be entitled to carry out any scientific research or hydrographic survey without the explicit authorization of the coastal State.

Article 18

In order to expedite passage the coastal State shall ensure that the procedure of notification referred to in different articles of this section shall not cause undue delay.

Subsection C. Government ships other than warships

Article 19

The rules contained in subsections A and B of this section shall also apply to government ships operated for commercial purposes.

Article 20

1. The rules contained in articles 11, 15, 16 (a) and (c), 17 and 18 of this convention shall apply to government ships operated for non-commercial purposes.

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2. With such exceptions as are contained in any of the provisions referred to in the preceding paragraphs, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Warships

Article 21

The coastal State may require prior notification to or authorization by its competent authorities for the passage of foreign warships through its territorial sea, in conformity with regulations in force in such a State.

Article 22

1. Foreign warships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

2. Foreign warships exercising the right of innocent passage shall not perform any activity which does not have a direct bearing with the passage, such as:

- (a) Carrying out any exercise or practice with weapons of any kind;
- (b) Assuming combat position by the crew;
- (c) Flying their aircraft;
- (d) Intimidation or displaying of force;
- (e) Carrying out research operations of any kind.

3. Foreign warships exercising the right of innocent passage may be required to pass through certain sea lanes as may be designated for this purpose by the coastal State.

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

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LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Greece: draft article under item 19,
regime of islands

1. An island is a naturally formed area of land, surrounded by water which is above water at high-tide.
2. An island forms an integral part of the territory of the State to which it belongs. The territorial sovereignty over the island extends to its territorial waters, to the air space over the island and its territorial sea and to its continental shelf for the purpose of exploring it and exploiting its natural resources.
3. The territorial sea of the island is determined in accordance with the same provisions applicable for the measurements of the territorial sea of the continental part of the territory of the State.
4. The provisions applicable for the determination of the continental shelf and the zones of national jurisdiction of the continental part of the State are as a general rule applicable to islands.
5. The above provisions do not prejudice the regime of archipelagic islands.

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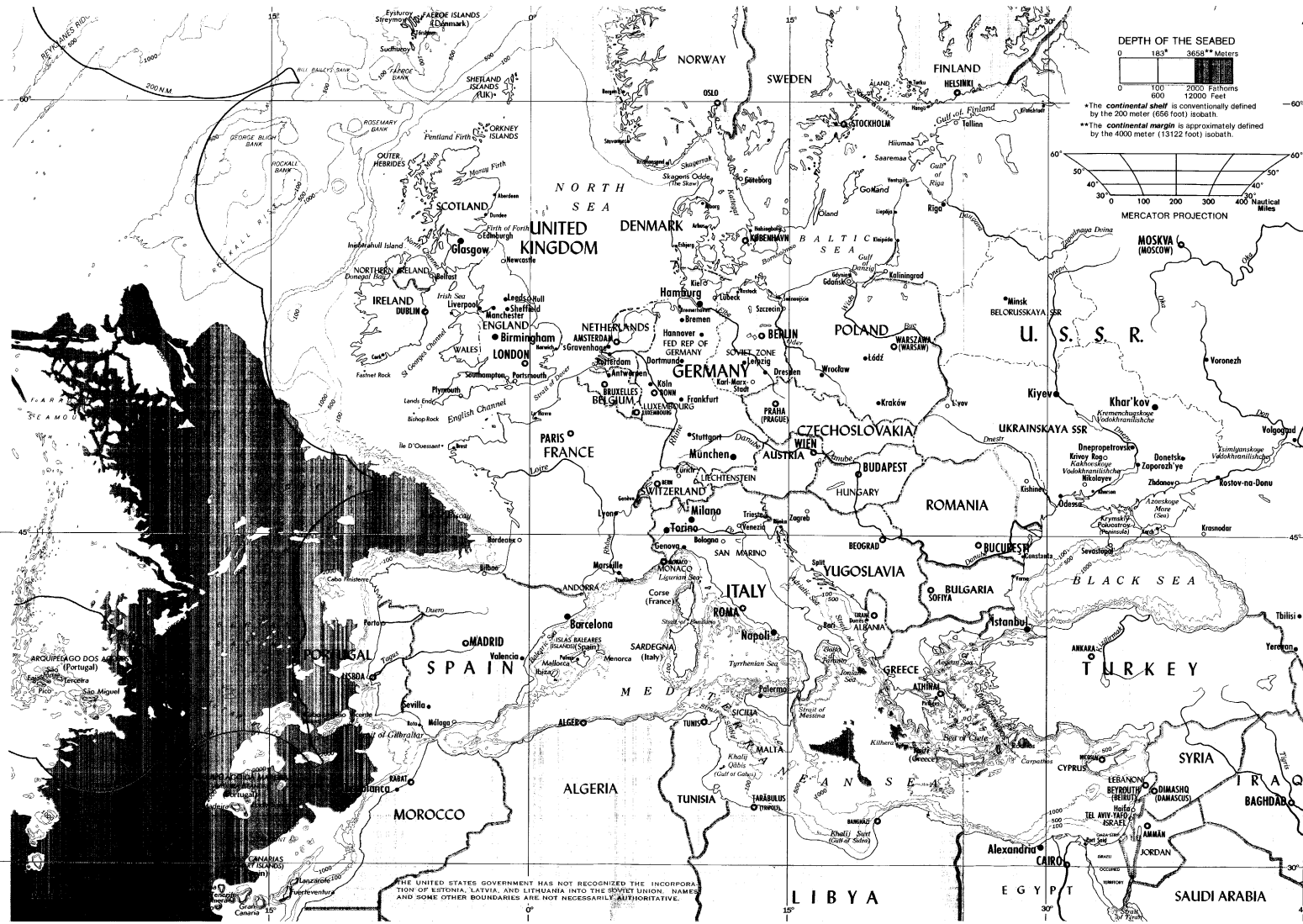
CHINESE, ENGLISH, FRENCH
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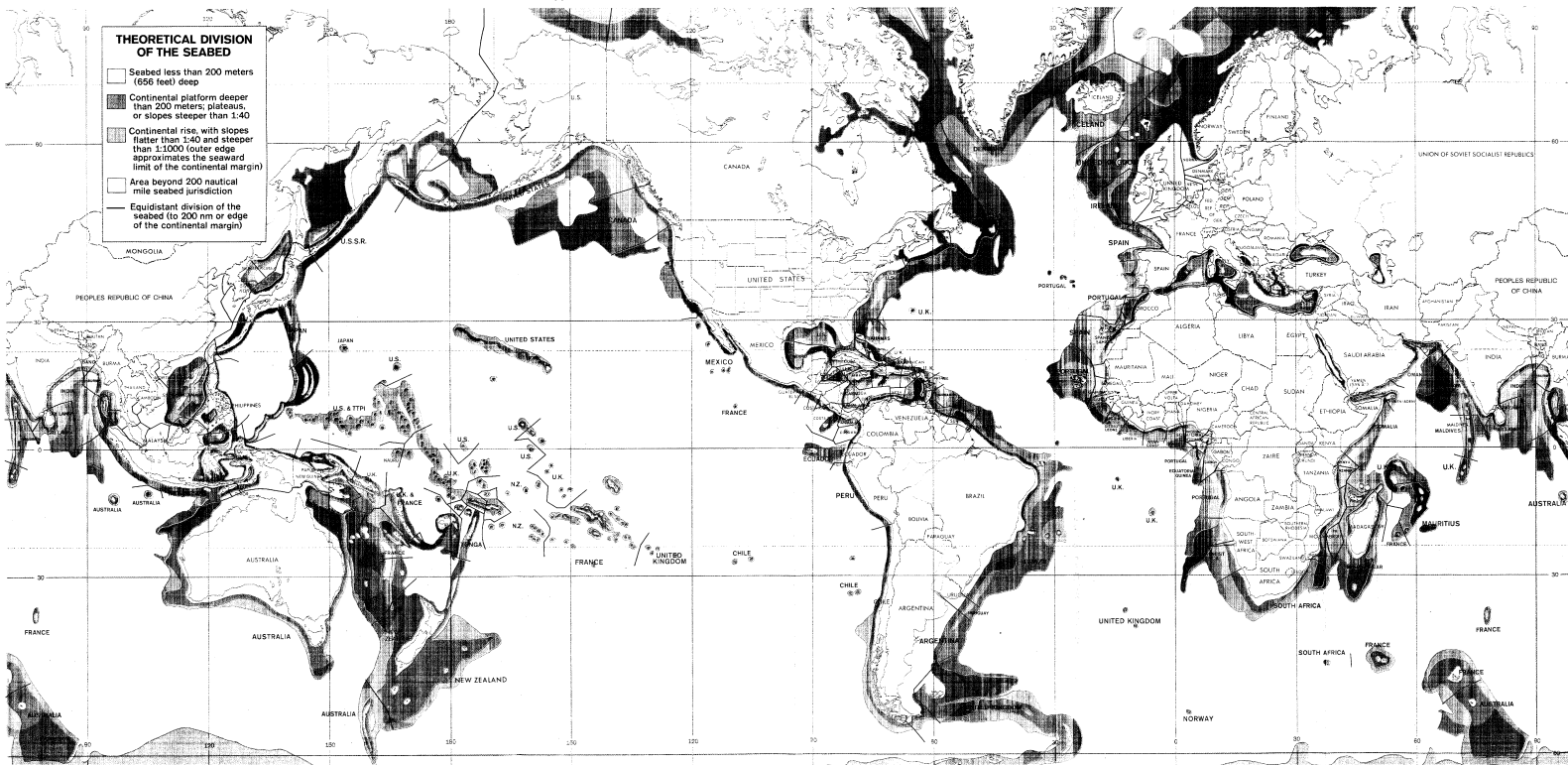
COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Greece: draft article under item 19,
régime of islands

Corrigendum

In paragraph 2, third line, after territorial sea insert, to its bed and
subsoil.





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